

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**IN RE: AME CHURCH EMPLOYEE
RETIREMENT FUND LITIGATION**

MDL Docket No. 1:22-md-03035-
STA-jay

ALL CASES

Honorable S. Thomas Anderson

**JOINT STATUS UPDATE IN ADVANCE OF
December 14, 2022 STATUS CONFERENCE**

At the initial status conference in this matter, the Court requested that the Parties provide a joint update on the status of litigation seven days before each status conference. [ECF No. 69]. In advance of the December 14, 2022 status conference, the Parties report as follows:

I. Procedural Overview Since the October 27, 2022 Status Conference

As previewed during the last pre-status conference status update, Plaintiffs have been in the process of serving several individuals and entities with their amended complaint. They have engaged a private investigator to locate certain individuals associated with the Motorskills entities and as a result were recently able to obtain service on Jarrod Erwin and expect to obtain service soon on the remaining Motorskills related defendants. Plaintiffs are also still working to obtain effective service on Rodney Brown & Co.¹ Specifically, the following individuals remain to be

¹ Plaintiffs seemingly obtained service on Rodney Brown & Co., but the green card was returned

served with the Plaintiffs' Amended Complaint:

DEFENDANT	DATE SERVED WITH AMENDED COMPLAINT
Randall Erwin	Not yet served
Rodney Brown & Co.	Not yet served
Motorskill Venture Group	Not yet served
Motorskill Asia Venture Group	Not yet served

In addition, two of the Motorskills entities have not answered or otherwise responded to Plaintiffs' Amended Complaint and are now in default. Those entities are Motorskill Ventures I, L.P. (served September 19, 2022) and Motorskill Asia Ventures I, L.P. (served September 22, 2022).

In response to Plaintiffs' Amended Complaint, Newport Group, Inc. filed a motion to dismiss all claims against it under Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure. On the same date, the AMEC filed a partial motion to dismiss some of the claims against it (and related individuals and entities) under Rule 12(b)(6). Symetra Life Insurance Company timely filed its motion to dismiss under Rules 12(b)(1) and 12(b)(6) on October 10, 2022. Briefing on these motions to dismiss is complete.

On October 18, 2022, the AMEC Defendants filed a partial Answer to the Amended Complaint and Cross-Complaint against Defendant Harris, Symetra Financial Corporation, Newport Group, Inc., Robert Eaton, Jarrod Erwin, Randall Erwin, Financial Freedom Group, Inc., Rodney Brown & Company, and the four

without a date, so they are attempting to re-serve the amended complaint to confirm service was valid.

Motorskill Entities. On November 23, 2022, Dr. Jerome Harris, Robert Eaton, and Financial Freedom Group, Inc. filed their respective answers to that cross-complaint. On the same day, Symetra Financial Corporation filed a motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Newport Group, Inc.'s response to the cross-complaint is due December 8, 2022. The remaining defendants have not yet been served with the cross-complaint.

II. Status of Discovery

Discovery commenced on September 9, 2022, and the Parties were permitted to serve initial written discovery requests on that date. [ECF No. 78, p. 2]. The following discovery requests have been served to date:

Party Serving Request	Party Served With Request	Type of Request Served	Date Request Served
Plaintiffs	AME Church	Interrogatories	September 9, 2022
Plaintiffs	AME Church	Requests for Production of Documents	September 9, 2022
Plaintiffs	Dr. Jerome Harris	Interrogatories	September 9, 2022
Plaintiffs	Dr. Jerome Harris	Requests for Production of Documents	September 9, 2022
Plaintiffs	Newport Group Inc.	Requests for Production of Documents	September 9, 2022
Plaintiffs	Newport Group Inc.	Interrogatories	September 9, 2022
Plaintiffs	Financial Freedom Group	Requests for Production of Documents	September 9, 2022
Plaintiffs	Financial Freedom Group	Interrogatories	September 9, 2022
Plaintiffs	Robert Eaton	Interrogatories	September 9, 2022

Plaintiffs	Robert Eaton	Requests for Production of Documents	September 9, 2022
Plaintiffs	Symetra Life Insurance Company	Interrogatories	September 9, 2022
Plaintiffs	Symetra Life Insurance Company	Requests for Production of Documents	September 9, 2022
Plaintiffs	Bishop Samuel L. Green	Interrogatories	September 26, 2022
Plaintiffs	Bishop Samuel L. Green	Requests for Production of Documents	September 26, 2022
Plaintiffs	Bishop James Davis	Interrogatories	September 26, 2022
Plaintiffs	Bishop James Davis	Requests for Production of Documents	September 26, 2022

Newport Group and Symetra Life Insurance Company timely served responses and objections to Plaintiffs’ requests for production and interrogatories on October 18, 2022 (Newport) and October 10, 2022 (Symetra). Defendants are in the process of collecting and reviewing documents in response to Plaintiffs’ discovery requests. AMEC Defendants requested an extension of 60-days to serve formal discovery responses, to which Plaintiffs agreed, provided that AMEC Defendants prioritized informal production of “priority documents” that Plaintiffs identified as being necessary to move forward with an early mediation. AMEC Defendants are providing the majority of those requested documents to Plaintiffs today. Plaintiffs have not received any documents from any other party as of today.

III. Third-Party Subpoenas

Since the date of the last status conference Plaintiffs have engaged in third-

party discovery. Specifically, they have sent four subpoenas requesting document production for service to date and are in discussions with additional entities/individuals to determine what relevant documents those individuals may also have. The subpoenas were sent to the following: Dr. Richard Lewis (the retired CFO/treasure for AMEC); an entity that Motorskills invested in and Dr. Harris allegedly loaned retirement fund assets to called Day & Night Solar; and two entities engaged in the auditing of the retirement fund after Dr. Harris' retirement, Gregory Terrell Company and Hoskins & Company.

IV. Mediation

As discussed at the last status conference, Plaintiffs, AME Church, the Eaton Defendants, Newport, Symetra, and Dr. Harris agreed to engage in an early mediation with the Hon. Justice Janice M. Holder (Ret.). At this time, no other defendants are willing to participate in the mediation process. That mediation is now scheduled for February 6, 2023.

V. Proposed Schedule for Future Status Conferences

The Parties propose that the Court continue scheduling future status conferences approximately every sixty days, with a remote attendance option (either by telephone or video-conferencing) for parties that are unable or may not need to attend each status conference in person so as to limit the costs and burdens associated with attending each conference. The Parties propose the next status conference occur during the week of either February 20 or 27.

VI. Conclusion

The Parties appreciate the Court's diligent management of this matter and welcome the opportunity to address any additional matters the Court would like to discuss at the December 14 status conference.

Respectfully submitted this the 7th day of December 2022.

/s/ Matthew E. Lee

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